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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,465	02/06/2002	Carl R. Strathmeyer	042390p8943X4	1829

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER
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LY, ANH VU H

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 05/13/2004 //

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,465

Applicant(s)

STRATHMEYER ET AL.

Examiner

Anh-Vu H Ly

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This communication is in response to applicant's amendment filed March 01, 2004. The proposed amendment to the claims has been entered. Claims 1-34 are pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakizaki et al (US Patent No. 6,229,883) in view of Albal et al (US Pub No. 2003/0147518 A1).

Hereinafter, referred to as Kakizaki and Albal.

With respect to claims 1, 7, 16, 21, and 24, Kakizaki discloses in Fig. 1, a communication systems for transmitting voice over an Internet network 7. Herein, the caller identification information (telephony monitoring and control functions) is transmitted over the Internet from the caller-side subsystem (telephony monitoring and control functions) to the callee-side subsystem.

Kakizaki does not disclose that information pertaining to an incoming call indicative of telephony monitoring and control functions is transmitted by an application computer, which located separated from any of at least two nodes of the packet data network.

Albal discloses in Fig. 2, a communication system comprising the transport system 54 (page 2, 23th paragraph) which preferably be a voice over IP network and a communication node

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56, located separately from the terminals 52 and 58, which including an address book 63.

Herein, the address book (Fig. 3) including caller identification information such as name, number, and/or location of the caller for displaying to the called parties.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a communication node for storing callers' identification information, separately from the subsystems, in Kakizaki's system, as suggested by Albal, since having a centralized node for storing and retrieving multiple callers identification information is easier to manage.

Kakizaki discloses in Fig. 6, a sequence diagram which shows the process of setting up a connection between a caller's telephone terminal and a callee's telephone terminal via the Internet and notifying the callee-side local switch of the caller's phone number (routing the incoming call to connect to a selected endpoint of the packet data network according to established rules and providing to a user information relating to the caller). Further, as illustrated in Fig. 6, a message is sent to the server 35 of the callee-side subsystem for originating a call to callee (notifying a second call processing device regarding the incoming call routing). Herein, messages are generated and forwarded between the server 35, local switch 36 and the called party 37 (arranging through the second call processing device for a telephone communications session between the at least two nodes of the packet data network) and a connection is set up between the telephone terminal 31 and telephone terminal 37 (causing the telephone communications session between the at least two nodes of the packet data network to occur).

With respect to claims 2, 8, 13 and 17, Kakizaki discloses in Fig. 8 that a call is determined to be transmitted over the Internet therefore identification information regarding to the caller is extracted and forwarded to the called party (determining the subject matter of the incoming call and obtaining information relating to the subject matter and displaying information relating to the caller and to the subject matter of the incoming call).

With respect to claims 3, 9, and 18, Kakizaki discloses in Figs. 4 and 5, data records regarding the calling party, which can be viewed by the called party (enabling a user to access additional information relating to the caller and/or the incoming call).

With respect to claims 4 and 10, Kakizaki discloses in Fig. 4A that a record is determined by using subscriber line interface point as index value (utilizing indicia of the initiating caller to identify the caller).

With respect to claims 5 and 11, Kakizaki discloses in Fig. 5B, a table for matching the subscriber line interface point and the caller's phone number (utilizing the caller's telephone number to identify the caller).

With respect to claims 6, 12, and 25, Kakizaki discloses (col. 11, lines 38-40) that such service features including a caller ID service which allows a called subscriber to see a caller's phone number on his/her telephone terminal (displaying information on a monitor or other display device that is accessible to a user).

With respect to claims 14, 19, and 22, Kakizaki discloses in Figs. 4 and 5, information regarding the caller (assigning an identifier for the incoming call and caching the incoming call in combination with the obtained information and the call identifier for later retrieval).

With respect to claims 15, 20 and 23, Kakizaki discloses in Fig. 8, information regarding the caller is extracted and forwarded to the called party (retrieving and forwarding the incoming call and the obtained information to a user).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakizaki et al (US Patent No. 6,229,883). Hereinafter, referred to as Kakizaki.

With respect to claim 26, Kakizaki discloses in Fig. 3, a local switch 15 (application computer) including subscriber data file 15e for storing information regarding the callers, herein, the caller identification information is transmitted over the packet data network 7 (Fig. 1) and viewed by the callee. Herein, the local switch 15 manages and updates the information in its databases. Therefore, the stored information is totally under the local switch's control (an application computer to provide a user information relating to the incoming caller of telephone calls transmitted over a packet switched data network under its control).

Kakizaki discloses in Fig. 6, the server 33 (gatekeeper) exchanges messages with the local switch 32 (herein, considered as an application computer by the examiner) for obtaining the caller identification information and for setting up a connection between the telephone terminals 31 and 37 (gatekeeper to establish telephone calls over the packet switched data network and to receive instructions from and send messages to the application computer, wherein messages indicating at least the identity of an incoming call).

With respect to claim 27, Kakizaki discloses in Fig. 6 that messages are generated and forwarded between the local switch and the telephone terminals (plural applications computers are configured to issue instructions to a single gatekeeper).

With respect to claim 28, Kakizaki discloses in Fig. 6, a connection is established between the telephone terminals by the local switch and server (gatekeeper establishes the telephone calls between at least two endpoints in the data network).

With respect to claim 29, Kakizaki discloses in Figs. 4 and 5, data records regarding the calling party, which can be viewed by the called party (enabling a user to access additional information relating to the caller and/or the incoming call).

With respect to claim 30, Kakizaki discloses (col. 11, lines 38-40) that such service features including a caller ID service which allows a called subscriber to see a caller's phone number on his/her telephone terminal (displaying information on a monitor or other display device that is accessible to a user).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakizaki et al (US Patent No. 6,229,883). Hereinafter, referred to as Kakizaki.

With respect to claim 31, Kakizaki discloses in Fig. 1, a communications system for voice transmissions over an IP network. Kakizaki does not disclose wherein applications computer is arranged to communicate with the caller and the user via voice recognition and voice synthesis techniques. However, communications via voice recognition and voice synthesis techniques are known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the features of having voice



recognition and voice synthesis techniques in Kakizaki's system, to speed up the process of inputting information since the rate of speaking is faster than punching in information.

With respect to claim 32, Kakizaki discloses in Fig. 6, the user of the telephone terminal 37 is the called party (wherein the user is a called party).

With respect to claim 33, Kakizaki discloses in Fig. 6, the server initiates messages for setting up a connection via the Internet 34 (applications computer is configured to instruct a gatekeeper to initiate a call and to wait a message from the gatekeeper to complete the call).

With respect to claim 34, Kakizaki discloses in Fig. 8 that a call is determined to be transmitted over the Internet therefore identification information regarding to the caller is extracted and forwarded to the called party (wherein the gatekeeper is programmed to inform the applications computer when the information regarding the identity of the calling party is acquired).

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stogel (US Pub No. 2002/0159574 A1) discloses automatic telephone directory apparatus and method of operation thereof.

Dolan et al (US Pub No. 2003/0142807 A1) discloses method and apparatus for providing expanded telecommunications service.

Bushnell (US Pub No. 2002/0067816 A1) discloses system and method for delivering profile information relating to a caller.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

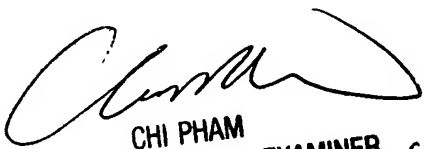
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 5/6/04